

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In Re:

**John F. Giacobbi, Jr., a/k/a an
Officer and Individual of JMR
Development of CNY, Inc. and
Michele L. Giacobbi, a/k/a an
Officer and Individual of JMR
Development of CNY, Inc.,**

Debtors

**Chapter 7
Case No.: 09-31955-5**

Erie Materials, Inc.,

Plaintiff,

AP Case No.: 09-50122-5

-vs-

**John F. Giacobbi, Jr., a/k/a an
Officer and Individual of JMR
Development of CNY, Inc. and
Michele L. Giacobbi, a/k/a an
Officer and Individual of JMR
Development of CNY, Inc.,**

Defendants

**STIPULATION OF
DISCONTINUANCE**

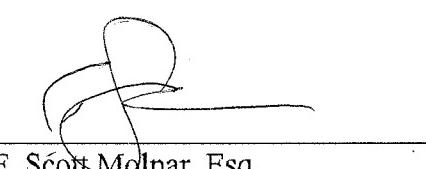
IT IS HEREBY STIPULATED AND AGREED by and between the undersigned, the attorneys of record for all the parties to the above-entitled action, that whereas no party hereto is an

infant, incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, the above-entitled action be, and the same hereby is discontinued, with prejudice, and without cost to either party as against the other. This Stipulation may be filed without further notice with the Clerk of the Court.

Dated: December 8, 2009


Richard T. Ward, Esq.,
Attorney for Defendant

Dated: December 18, 2009


F. Scott Molnar, Esq.
Byrne, Costello & Pickard, P.C.,
Attorney for Plaintiff